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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

SEP - 3 2009

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF
ACCESS POINT, INC., FOR APPROVAL OF A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE COMPETITIVE
RESOLD LOCAL EXCHANGE AND
FACILITIES-BASED LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-03446A-08-0055

DECISION NO. 71270

ORDER EXTENDING TIME
DEADLINE CONTAINED IN
DECISION NO. 71118

Open Meeting
August 25 and 26, 2009
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. On June 5, 2009, the Commission granted to Access Point, Inc. ("API" or "Company"), a Certificate of Convenience and Necessity to provide competitive resold local exchange and facilities-based local exchange telecommunications services in Decision No. 71118 ("Decision").

2. Pursuant to the Decision, API was required to file a performance bond or irrevocable sight draft letter of credit in the amount of \$125,000. Additionally, the Company was ordered to file the original performance bond or irrevocable sight draft letter of credit with the Commission's Business Office and copies of the performance bond or irrevocable sight draft letter of credit with Docket Control within 30 days of the effective date of the Decision.

3. Given the June 5, 2009, date of the Decision, this compliance item would have been due from API on or about July 5, 2009.

4. On July 2, 2009, API timely filed a Motion for Extension of Time ("Motion")

1 requesting a 90-day extension to file the performance bond or irrevocable sight draft letter of credit.

2 5. On July 10, 2009, the Commission's Utilities Division Staff ("Staff") filed a Staff
3 Report recommending approval of the Company's Motion.

4 6. According to API's Motion, the Company has been unable to locate an insurance
5 carrier willing to issue a performance bond. The Company states that it will be able to post a letter of
6 credit, but it is in the process of re-negotiating its line of credit with its lender. However, API notes
7 that its lender does not issue letters of credit. As such, API will have to work with its lender and a
8 second financial institution in order to obtain the required letter of credit. The Company believes that
9 the process can be completed within 60 to 90 days and requests a 90-day extension for filing the
10 performance bond or irrevocable sight draft letter of credit.

11 8. Staff recommends that the Commission grant API's Motion and extend the deadline
12 for filing of a performance bond or irrevocable sight draft letter of credit until October 5, 2009.

13 9. Given that the Company is diligently working toward acquiring the needed
14 performance bond or irrevocable sight draft letter of credit, it is reasonable to allow the Company
15 additional time to comply with the requirements of the Decision.

16 11. We find that Staff's recommendation is reasonable and shall be adopted.

17 CONCLUSIONS OF LAW

18 1. API is a public service corporation within the meaning of Article XV of the Arizona
19 Constitution and A.R.S. §§40-281 and 40-282.

20 2. The Commission has jurisdiction over API and the subject matter of the Motion for
21 Extension of Time to comply with Commission Decision No. 71118.

22 3. Staff's recommendation is reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that Access Point, Inc.'s, Motion for Extension of Time to comply with Decision No. 71118, is granted, extending the compliance deadline for filing the performance bond or irrevocable sight draft letter of credit until October 5, 2009.

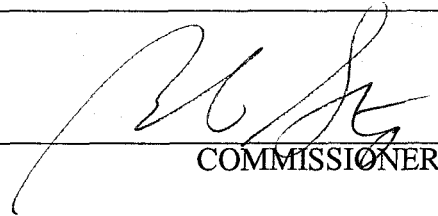
IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN

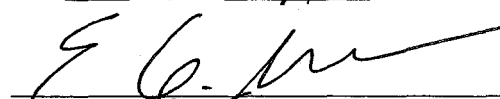

COMMISSIONER


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IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
Executive Director of the Arizona Corporation Commission,
have hereunto set my hand and caused the official seal of the
Commission to be affixed at the Capitol, in the City of Phoenix,
this 2nd day of Sept, 2009.


ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR:

ACCESS POINT, INC.

2 DOCKET NO.:

T-03446A-08-0055

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